IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 19370 of 2006

DATED: 11.10.2006

Between:

B.Munikrishna petitioner
And
The Superintending Engineer (Operation)
Southern Power Distribution Co of A.P. Ltd
Tirupati, Chittoor dist and another Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 19370 OF 2006

ORAL ORDER:

The present writ petition is filed questioning the suspension order dated 26.8.2004 and the action of the first respondent in not revoking the suspension and permitting the petitioner to join the duty.

The petitioner claims that he is employed in the respondent company and belongs to Schedule Caste community. The Joint Managing Director received a complaint that the petitioner does not belong to Schedule Caste community and obtained job by producing a Schedule Caste certificate. The said complaint was referred to Inspector of Police, Vigilance. Based on the vigilance report of the Inspector of Police, the petitioner was placed under suspension by order dated 26.8.2004. The Divisional Engineer-Enquiries, Tirupati was appointed as enquiry officer vide proceedings dated 8.9.2004, who in turn has issued a charge sheet to the petitioner. Questioning the action of the respondents in issuing a charge sheet directly by the enquiry officer, the petitioner filed W.P.

No. 18114 of 2004 and the same was disposed of by order dated 8.12.2004 directing the respondents not to initiate disciplinary action against the petitioner till the disposal of Criminal Revision Case No. 26 of 2004 pending before this Court. Thereafter the petitioner submitted a representation dated 7.2.2005 requesting the first respondent to revoke the suspension order and permit him to join the duty. In turn the first respondent issued proceedings dated 21.3.2005 rejecting the

request of the petitioner. Thereafter the petitioner filed an appeal to the Chief Engineer (Operations and Maintenance) against the suspension order and the same is pending. Hence, the present writ petition on the ground that in terms of the orders of this Court in W.P.No.18114 of 2004 dated 8.12.2004 the disciplinary proceedings are kept in abeyance till the disposal of the Criminal Revision Case No. 26 of 2004 and the action of the respondents in not permitting him to join the duty is illegal.

Heard the learned counsel for petitioner and learned Standing Counsel for respondent company. Both the counsel agreed for disposal of the writ petition at the admission stage with direction to the second respondent to dispose of the appeal expeditiously.

Admittedly, as against the suspension order dated 26.8.2004, the petitioner has filed an appeal to the Chief Engineer (Operations & Maintenance) and the same is pending. Since the appeal filed against the impugned suspension order dated 26.8.2004 is pending for about two years, and in view of the agreed stand taken by both the counsel, I deem it appropriate to dispose of the writ petition with the following direction;

The Second respondent-Chief Engineer (Operations & Maintenance) is directed to dispose of the Appeal dated 28.8.2004 preferred by the petitioner in accordance with law, expeditiously.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

DATE: 11.10.2006
TVK

THE HON'BLE MR JUSTICE N.V. RAMANA

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